

OPINION
59-51

May 20, 1959 (OPINION)

COUNTIES

RE: County Highway Engineer - Mileage Allowance

This is in reply to your request for an opinion on the question which has arisen in your county as to whether the county engineer and those employed by him are entitled to mileage under section 11-1015, or whether the mileage is a matter within the discretion of the county board.

The county engineer is created by chapter 11-31. The county engineer, serving as such, under chapter 11-31 is a county officer within the meaning of section 11-1015. Persons employed as assistants to the county engineer, however, do not have the stature of a county official and as such would not come within the provision of section 11-1015 as amended by the 1959 Legislature. The mileage for such employees would be determined by the county commissioners. The county commissioners may take into consideration all times relating to the employment and travel in determining the mileage allowance to be given to such individuals. Many times the item of using a personal vehicle for traveling for the county is taken into consideration at the time of entering into the employment contract.

It is our opinion that a county engineer is considered a county official and as such is entitled to mileage at the rate of ten cents per mile as provided for in section 11-1015 as amended, but that the employees or assistants to the county engineer are not considered county officials so as to entitle them to the same mileage. Mileage allowances to such employees comes within the sound discretion of the county commissioners.

LESLIE R. BURGUM

Attorney General